

# Union Calendar No. 886

96TH CONGRESS  
2D SESSION

# H. R. 5496

[Report No. 96-1457]

To amend the National Historic Preservation Act of 1966, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1979

Mr. SEIBERLING (for himself, Mr. BENNETT, Mr. SEBELIUS, Mr. KASTENMEIER, Mr. BINGHAM, Mr. WON PAT, Mr. ECKHARDT, Mr. FLORIO, Mr. KOSTMAYER, Mr. CORRADA, Mr. MURPHY of Pennsylvania, Mr. RAHALL, Mr. VENTO, Mr. GUDGER, Mr. LONG of Maryland, Mr. McDADDE, Mr. RODINO, Mr. PEPPER, Mr. GEPHARDT, Mr. DELLUMS, Mr. PRITCHARD, Mr. MOAKLEY, Mr. WHITEHURST, Mr. RICHMOND, Mr. EDWARDS of Alabama, Mrs. FENWICK, Mr. MOTT, Mr. EDWARDS of California, Mr. MAZZOLI, Mr. WOLFF, Mr. DERWINSKI, Mr. OTTINGER, Mrs. BYRON, Mr. LUNDINE, Mr. SABO, Mr. BALDUS, Mr. STACK, Mr. WEISS, Mr. BARNES, and Mr. PEYSER) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

OCTOBER 10, 1980

Additional sponsors: Mr. PHILLIP BURTON, Mr. McCLOSKEY, Mr. DOWNEY, Ms. MIKULSKI, Mr. GRAY, Mr. BEILSON, Mrs. SPELLMAN, Mr. UDALL, Mr. WEAVER, Mr. KOGOVSEK, Mr. WILLIAMS of Montana, Mr. VANIK, Mr. STARK, Mr. LONG of Louisiana, Mr. SIMON, Mr. DUNCAN of Tennessee, Mr. WINN, Mr. PICKLE, Mr. LAGOMARSINO, Mr. HUGHES, Mr. JEFFORDS, Mrs. BOGGS, Mr. RITTER, Mr. ASPIN, Mr. JENRETTE, Mr. BROWN of California, Mr. BEARD of Rhode Island, Mr. DE LA GARZA, Mr. THOMPSON, Mr. FROST, Mr. EVANS of the Virgin Islands, Mr. STRATTON, Mr. LOWRY, Mr. WYATT, Mr. HOWARD, Mr. MINETA, Mr. BAUMAN, Mr. GORE, and Mr. STUDDS

OCTOBER 10, 1980

Reported with an amendment, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 28, 1979]

## A BILL

To amend the National Historic Preservation Act of 1966, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       *That this Act may be cited as the “National Historic Preser-*  
4       *vation Act Amendments of 1980”.*

5               *TITLE I—FINDINGS AND POLICY OF*  
6       *NATIONAL HISTORIC PRESERVATION ACT*

7       *SEC. 101. (a) The first section of the Act of October 15,*  
8       *1966 (16 U.S.C. 470–470t), hereinafter in this Act referred*  
9       *to as the “National Historic Preservation Act”, is amended*  
10      *to read as follows:*

11              *“SEC. 1. (a) This Act may be cited as the ‘National*  
12      *Historic Preservation Act’.*

13              *“(b) The Congress finds and declares that—*

14                      *“(1) the spirit and direction of the Nation are*  
15      *founded upon and reflected in its historic heritage;*

16                      *“(2) the historical and cultural foundations of the*  
17      *Nation should be preserved as a living part of our com-*

1        *munity life and development in order to give a sense of*  
2        *orientation to the American people;*

3                *“(3) historic properties significant to the Nation’s*  
4        *heritage are being lost or substantially altered, often*  
5        *inadvertently, with increasing frequency;*

6                *“(4) the preservation of this irreplaceable heritage*  
7        *is in the public interest so that its vital legacy of cul-*  
8        *tural, educational, aesthetic, inspirational, economic,*  
9        *and energy benefits will be maintained and enriched*  
10       *for future generations of Americans;*

11               *“(5) in the face of ever-increasing extensions of*  
12       *urban centers, highways, and residential, commercial,*  
13       *and industrial developments, the present governmental*  
14       *and nongovernmental historic preservation programs*  
15       *and activities are inadequate to insure future genera-*  
16       *tions a genuine opportunity to appreciate and enjoy the*  
17       *rich heritage of our Nation;*

18               *“(6) the increased knowledge of our historic re-*  
19       *sources, the establishment of better means of identify-*  
20       *ing and administering them, and the encouragement of*  
21       *their preservation will improve the planning and ex-*  
22       *ecution of Federal and federally assisted projects and*  
23       *will assist economic growth and development; and*

24               *“(7) although the major burdens of historic pres-*  
25       *ervation have been borne and major efforts initiated by*

1     *private agencies and individuals, and both should con-*  
2     *tinue to play a vital role, it is nevertheless necessary*  
3     *and appropriate for the Federal Government to acceler-*  
4     *ate its historic preservation programs and activities, to*  
5     *give maximum encouragement to agencies and individ-*  
6     *uals undertaking preservation by private means, and to*  
7     *assist State and local governments and the National*  
8     *Trust for Historic Preservation in the United States to*  
9     *expand and accelerate their historic preservation pro-*  
10    *grams and activities.*

11     *“SEC. 2. It shall be the policy of the Federal Govern-*  
12    *ment, in cooperation with other nations and in partnership*  
13    *with the States, local governments, Indian tribes, and private*  
14    *organizations and individuals to—*

15           *“(1) use measures, including financial and tech-*  
16    *nical assistance, to foster conditions under which our*  
17    *modern society and our prehistoric and historic re-*  
18    *sources can exist in productive harmony and fulfill the*  
19    *social, economic, and other requirements of present and*  
20    *future generations;*

21           *“(2) provide leadership in the preservation of the*  
22    *prehistoric and historic resources of the United States*  
23    *and of the international community of nations;*

24           *“(3) administer federally owned, administered, or*  
25    *controlled prehistoric and historic resources in a spirit*

1     *of stewardship for the inspiration and benefit of pres-*  
2     *ent and future generations;*

3           “(4) contribute to the preservation of nonfederally  
4       owned prehistoric and historic resources and give  
5       maximum encouragement to organizations and individ-  
6       uals undertaking preservation by private means;

7           “(5) encourage the public and private preservation  
8           and utilization of all usable elements of the Nation’s  
9           historic built environment; and

10                   “(6) assist State and local governments and the  
11                   National Trust for Historic Preservation in the United  
12                   States to expand and accelerate their historic preserva-  
13                   tion programs and activities.”

14 *TITLE II—HISTORIC PRESERVATION*  
15 *PROGRAM*

SEC. 201. (a) Section 101 of the National Historic  
Preservation Act is amended to read as follows:

18       “*SEC. 101. (a)(1)(A) The Secretary of the Interior is*  
19   *authorized to expand and maintain a National Register of*  
20   *Historic Places composed of districts, sites, buildings, struc-*  
21   *tures, and objects significant in American history, architec-*  
22   *ture, archeology, engineering, and culture.*”

23                   “(B) Properties meeting the criteria for National  
24 Historic Landmarks established pursuant to paragraph (2)  
25 shall be designated as ‘National Historic Landmarks’ and

1 *included on the National Register, subject to the require-*  
2 *ments of paragraph (6). All historic properties included on*  
3 *the National Register on the date of the enactment of the*  
4 *National Historic Preservation Act Amendments of 1980*  
5 *shall be deemed to be included on the National Register as of*  
6 *their initial listing for purposes of this Act. All historic prop-*  
7 *erties listed in the Federal Register of February 6, 1979, as*  
8 *'National Historic Landmarks' or thereafter prior to the ef-*  
9 *fective date of this Act are declared by Congress to be Nation-*  
10 *al Historic Landmarks of national historic significance as of*  
11 *their initial listing as such in the Federal Register for pur-*  
12 *poses of this Act; except that in cases of National Historic*  
13 *Landmark districts for which no boundaries have been estab-*  
14 *lished, boundaries must first be published in the Federal*  
15 *Register and submitted to the Committee on Energy and*  
16 *Natural Resources of the United States Senate and to the*  
17 *Committee on Interior and Insular Affairs of the United*  
18 *States House of Representatives.*

19       “(2) *The Secretary shall establish or revise criteria for*  
20 *properties to be included on the National Register and crite-*  
21 *ria for National Historic Landmarks, and shall also promul-*  
22 *gate or revise regulations as may be necessary for—*

23               “(A) *nominating properties for inclusion in, and*  
24 *removal from, the National Register and the recom-*  
25 *mendation of properties by certified local governments;*

1           “(B) obtaining the consent of property owners  
2           prior to including their property on the National Reg-  
3           ister, designating their property as a National Historic  
4           Landmark, or nominating their property for inclusion  
5           in the World Heritage List.

6           “(C) designating properties as National Historic  
7           Landmarks and removing such designation;

8           “(D) considering appeals from such recommenda-  
9           tions, nominations, removals, and designations (or any  
10          failure or refusal by a nominating authority to nomi-  
11          nate or designate);

12          “(E) nominating historic properties for inclusion  
13          in the World Heritage List in accordance with the  
14          terms of the Convention concerning the Protection of  
15          the World Cultural and Natural Heritage;

16          “(F) making determinations of eligibility of prop-  
17          erties for inclusion on the National Register; and

18          “(G) notifying the owner of a property, any ap-  
19          propriate local governments, and the general public,  
20          when the property is being considered for inclusion on  
21          the National Register, for designation as a National  
22          Historic Landmark or for nomination to the World  
23          Heritage List.

24          “(3) Subject to the requirements of paragraph (6), any  
25          State which is carrying out a program approved under sub-

1 section (b), shall nominate to the Secretary properties which  
2 meet the criteria promulgated under subsection (a) for inclu-  
3 sion on the National Register. Any property nominated  
4 under this paragraph or under section 110(a)(2) shall be in-  
5 cluded on the National Register on the date forty-five days  
6 after receipt by the Secretary of the nomination and the nec-  
7 essary documentation, unless the Secretary disapproves such  
8 nomination within such forty-five day period or unless an  
9 appeal is filed under paragraph (5).

10       “(4) Subject to the requirements of paragraph (6) the  
11 Secretary may accept a nomination directly from any person  
12 or local government for inclusion of a property on the Na-  
13 tional Register only if such property is located in a State  
14 where there is no program approved under subsection (b).  
15 The Secretary may include on the National Register any  
16 property for which such a nomination is made if he deter-  
17 mines that such property is eligible in accordance with the  
18 regulations promulgated under paragraph (2). Such determi-  
19 nation shall be made within ninety days from the date of the  
20 nomination unless the nomination is appealed under para-  
21 graph (5).

22       “(5) Any person or local government may appeal a  
23 nomination of any historic property for inclusion on the Na-  
24 tional Register and may appeal the failure or refusal of a



1 nominating authority to nominate a property in accordance  
2 with this subsection.

3       “(6) The Secretary may not include any non-Federal  
4 property on the National Register of Historic Places unless  
5 the nomination for such inclusion is accompanied by a state-  
6 ment in writing that the owner of such property concurs to  
7 such inclusion; and the Secretary may not designate any  
8 non-Federal property as a National Historic Landmark  
9 unless the owner of such property concurs in writing to such  
10 designation. The Secretary may not include any historic dis-  
11 trict on the National Register of Historic Places unless the  
12 nomination for such inclusion is accompanied by a statement  
13 in writing that a majority of the owners of affected non-Fed-  
14 eral property have concurred to such inclusion; and the Sec-  
15 retary may not designate any historic district as a National  
16 Historic Landmark unless he certifies that a majority of the  
17 owners of affected non-Federal property have concurred to  
18 such designation.

19       “(7) The Secretary shall promulgate, or revise, regula-  
20 tions—

21               “(A) ensuring that significant prehistoric and his-  
22 toric artifacts, and associated records, subject to section  
23 110 of this Act, the Act of June 27, 1960 (16 U.S.C  
24 469c), and the Archaeological Resources Protection Act  
25 of 1979 (16 U.S.C. 470aa and following) are

1       *deposited in an institution with adequate long-term cu-*  
2       *ratorial capabilities;*

3               *“(B) establishing a uniform process and stand-*  
4       *ards for documenting historic properties by public*  
5       *agencies and private parties for purposes of incorpora-*  
6       *tion into, or complementing, the national historical ar-*  
7       *chitectural and engineering records within the Library*  
8       *of Congress; and*

9               *“(C) certifying local governments, in accordance*  
10       *with subsection (c)(1) and for the allocation of funds*  
11       *pursuant to section 103(c) of this Act.*

12              *“(b)(1) The Secretary, in consultation with the Na-*  
13       *tional Conference of State Historic Preservation Officers*  
14       *and the National Trust for Historic Preservation, shall pro-*  
15       *mulgate or revise regulations for State Historic Preservation*  
16       *Programs. Such regulations shall provide that a State pro-*  
17       *gram submitted to the Secretary under this section shall be*  
18       *approved by the Secretary if he determines that the pro-*  
19       *gram—*

20              *“(A) provides for the designation and appointment*  
21       *by the Governor of a ‘State Historic Preservation Offi-*  
22       *cer’ to administer such program in accordance with*  
23       *paragraph (3) and for the employment or appointment*  
24       *by such officer of such professionally qualified staff as*  
25       *may be necessary for such purposes;*

1           “(B) provides for an adequate and qualified State  
2       historic preservation review board designated by the  
3       State Historic Preservation Officer unless otherwise  
4       provided for by State law; and

5           “(C) provides for adequate public participation in  
6       the State Historic Preservation Program, including the  
7       process of recommending properties for nomination to  
8       the National Register.

9           “(2) Periodically, but not less than every four years  
10      after the approval of any State program under this subsec-  
11      tion, the Secretary shall evaluate such program to make a  
12      determination as to whether or not it is in compliance with  
13      the requirements of this Act. If at any time, the Secretary  
14      determines that a State program does not comply with such  
15      requirements, he shall disapprove such program, and suspend  
16      in whole or in part assistance to such State under subsection  
17      (d)(1), unless there are adequate assurances that the program  
18      will comply with such requirements within a reasonable  
19      period of time. The Secretary may also conduct periodic  
20      fiscal audits of State programs approved under this section.

21           “(3) It shall be the responsibility of the State Historic  
22      Preservation Officer to administer the State Historic Preser-  
23      vation Program and to—

24           “(A) in cooperation with Federal and State agen-  
25      cies, local governments, and private organizations and

1       *individuals, direct and conduct a comprehensive*  
2       *statewide survey of historic properties and maintain*  
3       *inventories of such properties;*

4               “(B) identify and nominate eligible properties to  
5       *the National Register and otherwise administer appli-*  
6       *cations for listing historic properties on the National*  
7       *Register;*

8               “(C) prepare and implement a comprehensive  
9       *statewide historic preservation plan;*

10              “(D) administer the State program of Federal as-  
11       *sistance for historic preservation within the State;*

12              “(E) advise and assist, as appropriate, Federal  
13       *and State agencies and local governments in carrying*  
14       *out their historic preservation responsibilities;*

15              “(F) cooperate with the Secretary, the Advisory  
16       *Council on Historic Preservation, and other Federal*  
17       *and State agencies, local governments, and organiza-*  
18       *tions and individuals to ensure that historic properties*  
19       *are taken into consideration at all levels of planning*  
20       *and development;*

21              “(G) provide public information, education, and  
22       *training and technical assistance relating to the Feder-*  
23       *al and State Historic Preservation Programs; and*

24              “(H) cooperate with local governments in the de-  
25       *velopment of local historic preservation programs and*

1       *assist local governments in becoming certified pursuant*  
2       *to subsection (c).*

3       “(4) *Any State may carry out all or any part of its*  
4       *responsibilities under this subsection by contract or coopera-*  
5       *tive agreement with any qualified nonprofit organization or*  
6       *educational institution.*

7       “(5) *Any State historic preservation program in effect*  
8       *under prior authority of law may be treated as an approved*  
9       *program for purposes of this subsection until the earlier of—*

10       “(A) *the date on which the Secretary approves a*  
11       *program submitted by the State under this subsection,*  
12       *or*

13       “(B) *three years after the date of the enactment of*  
14       *the National Historic Preservation Act Amendments of*  
15       *1980.*

16       “(c)(1) *Any State program approved under this section*  
17       *shall provide a mechanism for the certification by the State*  
18       *Historic Preservation Officer of local governments to carry*  
19       *out the purposes of this Act and provide for the transfer, in*  
20       *accordance with section 103(c), of a portion of the grants*  
21       *received by the States under this Act, to such local govern-*  
22       *ments. Any local government shall be certified to participate*  
23       *under the provisions of this section if the applicable State*  
24       *Historic Preservation Officer, and the Secretary, certifies*  
25       *that the local government—*

1           “(A) enforces appropriate State or local legisla-  
2           tion for the designation and protection of historic  
3           properties;

4           “(B) has established an adequate and qualified  
5           historic preservation review commission by State or  
6           local legislation;

7           “(C) maintains a system for the survey and in-  
8           ventory of historic properties that furthers the purposes  
9           of subsection (b);

10          “(D) provides for adequate public participation in  
11          the local historic preservation program, including the  
12          process of recommending properties for nomination to  
13          the National Register; and

14          “(E) satisfactorily performs the responsibilities  
15          delegated to it under this Act.

16          Where there is no approved State program, a local govern-  
17          ment may be certified by the Secretary if he determines that  
18          such local government meets the requirements of subpara-  
19          graphs (A) through (E); and in any such case the Secretary  
20          may make grants-in-aid to the local government for purposes  
21          of this section.

22          “(2)(A) Before a property within the jurisdiction of the  
23          certified local government may be considered by the State to  
24          be nominated to the Secretary for inclusion on the National  
25          Register, the State Historic Preservation Officer shall notify

1 the owner, the applicable chief local elected official, and the  
2 local historic preservation commission. The commission, after  
3 reasonable opportunity for public comment, shall prepare a  
4 report as to whether or not such property, in its opinion,  
5 meets the criteria of the National Register. Within sixty  
6 days of notice from the State Historic Preservation Officer,  
7 the chief local elected official shall transmit the report of the  
8 commission and his recommendation to the State Historic  
9 Preservation Officer. Except as provided in subparagraph  
10 (B), after receipt of such report and recommendation, or if no  
11 such report and recommendation are received within sixty  
12 days, the State shall make the nomination pursuant to sec-  
13 tion 101(a). The State may expedite such process with the  
14 concurrence of the certified local government.

15       “(B) If both the commission and the chief local elected  
16 official recommend that a property not be nominated to the  
17 National Register, the State Historic Preservation Officer  
18 shall take no further action, unless within thirty days of the  
19 receipt of such recommendation by the State Historic Preser-  
20 vation Officer an appeal is filed with the State. If such an  
21 appeal is filed, the State shall follow the procedures for  
22 making a nomination pursuant to section 101(a). Any report  
23 and recommendations made under this section shall be in-  
24 cluded with any nomination submitted by the State to the  
25 Secretary.

1       “(3) Any local government certified under this section  
2 or which is making efforts to become so certified shall be  
3 eligible for funds under the provisions of section 103(c) of  
4 this Act, and shall carry out any responsibilities delegated to  
5 it in accordance with such terms and conditions as the Secre-  
6 tary deems necessary or advisable.

7       “(d)(1) The Secretary shall administer a program of  
8 matching grants-in-aid to the States for historic preservation  
9 projects, and State historic preservation programs, approved  
10 by the Secretary and having as their purpose the identifica-  
11 tion of historic properties and the preservation of properties  
12 included on the National Register.

13       “(2) The Secretary shall administer a program of  
14 matching grant-in-aid to the National Trust for Historic  
15 Preservation in the United States, chartered by Act of Con-  
16 gress approved October 26, 1949 (63 Stat. 927), for the pur-  
17 poses of carrying out the responsibilities of the National  
18 Trust.

19       “(3)(A) In addition to the programs under paragraphs  
20 (1) and (2), the Secretary shall administer a program of  
21 direct grants for the preservation of properties included on the  
22 National Register. Funds to support such program annually  
23 shall not exceed 10 per centum of the amount appropriated  
24 annually for the fund established under section 108. These



1 *grants may be made by the Secretary, in consultation with*  
2 *the appropriate State Historic Preservation Officer—*

3       “(i) *for the preservation of National Historic*  
4 *Landmarks which are threatened with demolition or*  
5 *impairment and for the preservation of historic proper-*  
6 *ties of World Heritage significance,*

7       “(ii) *for demonstration projects which will provide*  
8 *information concerning professional methods and tech-*  
9 *niques having application to historic properties,*

10       “(iii) *for the training and development of skilled*  
11 *labor in trades and crafts, and in analysis and cura-*  
12 *tion, relating to historic preservation; and*

13       “(iv) *to assist persons or small businesses within*  
14 *any historic district included in the National Register*  
15 *to remain within the district.*

16       “(B) *The Secretary may also, in consultation with the*  
17 *appropriate State Historic Preservation Officer, make grants*  
18 *or loans or both under this section to Indian tribes and to*  
19 *nonprofit organizations representing ethnic or minority*  
20 *groups for the preservation of their cultural heritage.*

21       “(C) *Grants may be made under subparagraph (A)(i)*  
22 *and (iv) only to the extent that the project cannot be carried*  
23 *out in as effective a manner through the use of an insured*  
24 *loan under section 104.*

1       “(e) No part of any grant made under this section may  
2 be used to compensate any person intervening in any pro-  
3 ceeding under this Act.

4       “(f) In consultation with the Advisory Council on His-  
5 toric Preservation, the Secretary shall promulgate guidelines  
6 for Federal agency responsibilities under section 110 of this  
7 title.

8       “(g) Within one year after the date of enactment of the  
9 National Historic Preservation Act Amendments of 1980, the  
10 Secretary shall establish, in consultation with the Secretar-  
11 ies of Agriculture and Defense, the Smithsonian Institution,  
12 and the Administrator of the General Services Administra-  
13 tion, professional standards for the preservation of historic  
14 properties in Federal ownership or control.

15       “(h) The Secretary shall develop and make available to  
16 Federal agencies, State and local governments, private orga-  
17 nizations and individuals, and other nations and internation-  
18 al organizations pursuant to the World Heritage Convention,  
19 training in, and information concerning, professional meth-  
20 ods and techniques for the preservation of historic properties  
21 and for the administration of the historic preservation pro-  
22 gram at the Federal, State, and local level. The Secretary  
23 shall also develop mechanisms to provide information con-  
24 cerning historic preservation to the general public including  
25 students.”.

1       *SEC. 202. (a) Section 102(a)(3) of the National Histor-*  
2 *ic Preservation Act is amended to read as follows:*

3               *“(3) for more than 50 per centum of the aggregate*  
4 *cost of carrying out projects and programs specified in*  
5 *section 101(d) (1) and (2) in any one fiscal year,*  
6 *except that for the costs of State or local historic sur-*  
7 *veys or inventories the Secretary shall provide 70 per*  
8 *centum of the aggregate cost involved in any one fiscal*  
9 *year.”.*

10       *(b) Section 102(a) of such Act is amended by adding*  
11 *the following at the end thereof: “Except as permitted by*  
12 *other law, the State share of the costs referred to in para-*  
13 *graph (3) shall be contributed by non-Federal sources. Not-*  
14 *withstanding any other provision of law, no grant made pur-*  
15 *suant to this Act shall be treated as taxable income for pur-*  
16 *poses of the Internal Revenue Code of 1954.”.*

17       *(c) Subsection (c) of section 102 of such Act is repealed.*

18       *SEC. 203. (a) Subsection (b) of section 103 of the Na-*  
19 *tional Historic Preservation Act is amended by inserting*  
20 *after “projects” the words “and programs” and by striking*  
21 *out the second sentence thereof and substituting the following:*  
22 *“The Secretary shall notify each State of its apportionment*  
23 *under this subsection within thirty days following the date of*  
24 *enactment of legislation appropriating funds under this*  
25 *Act.”.*

1        *(b) Section 103 of such Act is amended by adding at the*  
2 *end thereof the following:*

3        *“(c) A minimum of 10 per centum of the annual appor-*  
4 *tionment distributed by the Secretary to each State for the*  
5 *purposes of carrying out this Act shall be transferred by the*  
6 *State, pursuant to the requirements of this Act, to local gov-*  
7 *ernments which are certified under section 101(c) for historic*  
8 *preservation projects or programs of such local governments.*  
9 *In any year in which the total annual apportionment to the*  
10 *States exceeds \$65,000,000, one half of the excess shall also*  
11 *be transferred by the States to local governments certified*  
12 *pursuant to section 101(c).*

13        *“(d) The Secretary shall establish guidelines for the use*  
14 *and distribution of funds under subsection (c) to insure that*  
15 *no local government receives a disproportionate share of the*  
16 *funds available, and may include a maximum or minimum*  
17 *limitation on the amount of funds distributed to any single*  
18 *local government. The guidelines shall not limit the ability of*  
19 *any State to distribute more than 10 per centum of its*  
20 *annual apportionment under subsection (c), nor shall the*  
21 *Secretary require any State to exceed the 10 per centum*  
22 *minimum distribution to local governments.”.*

23        *SEC. 204. Section 104 of the National Historic Preser-*  
24 *vation Act is amended to read as follows:*

1       “SEC. 104. (a) *The Secretary shall establish and main-*  
2 *tain a program by which he may, upon application of a pri-*  
3 *vate lender, insure loans (including loans made in accord-*  
4 *ance with a mortgage) made by such lender to finance any*  
5 *project for the preservation of a property included on the Na-*  
6 *tional Register.*

7       “(b) *A loan may be insured under this section only if—*

8               “(1) *the loan is made by a private lender ap-*  
9 *proved by the Secretary as financially sound and able*  
10 *to service the loan properly;*

11              “(2) *the amount of the loan, and interest rate*  
12 *charged with respect to the loan, do not exceed such*  
13 *amount, and such a rate, as is established by the Sec-*  
14 *retary, by rule;*

15              “(3) *the Secretary has consulted the appropriate*  
16 *State Historic Preservation Officer concerning the*  
17 *preservation of the historic property;*

18              “(4) *the Secretary has determined that the loan is*  
19 *adequately secured and there is reasonable assurance*  
20 *of repayment;*

21              “(5) *the repayment period of the loan does not*  
22 *exceed the lesser of forty years or the expected life of*  
23 *the asset financed;*

1           “(6) the amount insured with respect to such loan  
2       does not exceed 90 per centum of the loss sustained by  
3       the lender with respect to the loan; and

4           “(7) the loan, the borrower, and the historic prop-  
5       erty to be preserved meet other terms and conditions as  
6       may be prescribed by the Secretary, by rule, especially  
7       terms and conditions relating to the nature and quality  
8       of the preservation work.

9       The Secretary shall consult with the Secretary of the Treas-  
10      ury regarding the interest rate of loans insured under this  
11      section.

12       “(c) The aggregate unpaid principal balance of loans  
13      insured under this section and outstanding at any one time  
14      may not exceed the amount which has been covered into the  
15      Historic Preservation Fund pursuant to section 108 and sub-  
16      sections (g) and (i) of this section, as in effect on the date of  
17      the enactment of this Act but which has not been appropri-  
18      ated for any purpose.

19       “(d) Any contract of insurance executed by the Secre-  
20      tary under this section may be assignable, shall be an obliga-  
21      tion supported by the full faith and credit of the United  
22      States, and shall be incontestable except for fraud or misrep-  
23      resentation of which the holder had actual knowledge at the  
24      time it became a holder.

1       “(e) *The Secretary shall specify, by rule and in each*  
2 *contract entered into under this section, the conditions and*  
3 *method of payment to a private lender as a result of losses*  
4 *incurred by the lender on any loan insured under this*  
5 *section.*

6       “(f) *In entering into any contract to insure a loan under*  
7 *this section, the Secretary shall take steps to assure adequate*  
8 *protection of the financial interests of the Federal Govern-*  
9 *ment. The Secretary may—*

10           “(1) *in connection with any foreclosure proceed-*  
11 *ing, obtain, on behalf of the Federal Government, the*  
12 *property securing a loan insured under this title; and*

13           “(2) *operate or lease such property for such period*  
14 *as may be necessary to protect the interest of the Fed-*  
15 *eral Government and to carry out subsection (g).*

16       “(g)(1) *In any case in which a historic property is ob-*  
17 *tained pursuant to subsection (f), the Secretary shall attempt*  
18 *to convey such property to any governmental or nongovern-*  
19 *mental entity under such conditions as will ensure the prop-*  
20 *erty’s continued preservation and use; except that if, after a*  
21 *reasonable time, the Secretary, in consultation with the Ad-*  
22 *visory Council on Historic Preservation, determines that*  
23 *there is no feasible and prudent means to convey such prop-*  
24 *erty and to ensure its continued preservation and use, then*  
25 *the Secretary may convey the property at the fair market*

1 value of its interest in such property to any entity without  
2 restriction.

3       “(2) Any funds obtained by the Secretary in connection  
4 with the conveyance of any property pursuant to paragraph  
5 (1) shall be covered into the historic preservation fund, in  
6 addition to the amounts covered into such fund pursuant to  
7 section 108 and subsection (i) of this section, and shall  
8 remain available in such fund until appropriated by the Con-  
9 gress to carry out the purposes of this Act.

10       “(h) The Secretary may assess appropriate and reason-  
11 able fees in connection with insuring loans under this sec-  
12 tion. Any such fees shall be covered into the Historic Preser-  
13 vation Fund, in addition to the amounts covered into such  
14 fund pursuant to section 108 and subsection (g) of this sec-  
15 tion, and shall remain available in such fund until appropri-  
16 ated by the Congress to carry out purposes of this Act.

17       “(i) Notwithstanding any other provision of law, any  
18 loan insured under this section shall be treated as non-  
19 Federal funds for the purposes of satisfying any requirement  
20 of any other provision of law under which Federal funds to  
21 be used for any project or activity are conditioned upon the  
22 use of non-Federal funds by the recipient for payment of any  
23 portion of the costs of such project or activity.



1       “(j) *Effective after the fiscal year 1981 there are au-*  
 2 *thorized to be appropriated, such sums as may be necessary*  
 3 *to cover payments incurred pursuant to subsection (e).*

4       “(k) *No debt obligation which is made or committed to*  
 5 *be made, or which is insured or committed to be insured, by*  
 6 *the Secretary under this section shall be eligible for purchase*  
 7 *by, or commitment to purchase by, or sale or issuance to, the*  
 8 *Federal Financing Bank.”.*

9       *SEC. 205. Section 108 of the National Historic Preser-*  
 10 *vation Act is amended by inserting after the term “1981” the*  
 11 *phrase “and \$150,000,000 for each of fiscal years 1982*  
 12 *through 1987”.*

13       *SEC. 206. Title I of the National Historic Preservation*  
 14 *Act is amended by adding the following new section at the*  
 15 *end thereof:*

16       “*SEC. 110. (a)(1) The heads of all Federal agencies*  
 17 *shall assume responsibility for the preservation of historic*  
 18 *properties which are owned or controlled by such agency.*  
 19 *Prior to acquiring, constructing, or leasing buildings for pur-*  
 20 *poses of carrying out agency responsibilities, each Federal*  
 21 *agency shall use, to the maximum extent feasible, historic*  
 22 *properties available to the agency. Each agency shall under-*  
 23 *take, consistent with the preservation of such properties and*  
 24 *the mission of the agency and the professional standards es-*

1 *tablished pursuant to section 101(f), any preservation, as*  
 2 *may be necessary to carry out this section.*

3       “(2) *With the advice of the Secretary and in coopera-*  
 4 *tion with the State historic preservation officer for the State*  
 5 *involved, each Federal agency shall establish a program to*  
 6 *locate, inventory, and nominate to the Secretary all proper-*  
 7 *ties under the agency’s ownership or control by the agency,*  
 8 *that appear to qualify for inclusion on the National Register*  
 9 *in accordance with the regulations promulgated under section*  
 10 *101(a)(2)(A). Each Federal agency shall exercise caution to*  
 11 *assure that any such property that might qualify for inclu-*  
 12 *sion is not inadvertently transferred, sold, demolished, sub-*  
 13 *stantially altered, or allowed to deteriorate significantly.*

14       “(b) *Each Federal agency shall initiate measures to*  
 15 *assure that where, as a result of Federal action or assistance*  
 16 *carried out by such agency, an historic property is to be sub-*  
 17 *stantially altered or demolished, timely steps are taken to*  
 18 *make or have made appropriate records, and that such rec-*  
 19 *ords then be deposited, in accordance with section 101(a), in*  
 20 *the Library of Congress or with such other appropriate*  
 21 *agency as may be designated by the Secretary, for future use*  
 22 *and reference.*

23       “(c) *The head of each Federal agency shall, unless*  
 24 *exempted under section 214, designate a qualified official to*  
 25 *be known as the agency’s ‘preservation officer’ who shall be*

1 responsible for coordinating that agency's activities under  
 2 this Act. Each Preservation Officer and official designated at  
 3 the field or regional level may, in order to be considered  
 4 qualified, satisfactorily complete an appropriate training pro-  
 5 gram established by the Secretary under section 101(g).

6       “(d) Consistent with the agency's missions and man-  
 7 dates, all Federal agencies shall carry out agency programs  
 8 and projects (including those under which any Federal as-  
 9 sistance is provided or any Federal license, permit, or other  
 10 approval is required) in accordance with the purposes of this  
 11 Act and, give consideration to programs and projects which  
 12 will further the purposes of this Act.

13       “(e) The Secretary shall review and approve the plans  
 14 of transferees of surplus federally owned historic properties to  
 15 ensure that the prehistorical, historical, architectural, or cul-  
 16 turally significant values will be preserved or enhanced.

17       “(f) Prior to the approval of any Federal undertaking  
 18 which may directly and adversely affect any National His-  
 19 toric Landmark, the head of the responsible Federal agency  
 20 shall, to the maximum extent possible, undertake such plan-  
 21 ning and actions as may be necessary to minimize harm to  
 22 such landmark, and shall afford the Advisory Council on  
 23 Historic Preservation a reasonable opportunity to comment  
 24 on the undertaking.

1       “(g) Each Federal agency shall include the costs of  
2 preservation activities of such agency under this Act as eligi-  
3 ble project costs in all undertakings of such agency or  
4 assisted by such agency. The eligible project costs shall also  
5 include amounts paid by a Federal agency to any State to be  
6 used in carrying out such preservation responsibilities of the  
7 Federal agency under this Act, and reasonable costs may be  
8 charged to Federal licensees and permittees as a condition to  
9 the issuance of such license or permit.

10       “(h) The Secretary shall establish an annual preserva-  
11 tion awards program under which he may make monetary  
12 awards in amounts of not to exceed \$1,000 and provide cita-  
13 tions for special achievement to officers and employees of  
14 Federal, State, and certified local governments in recognition  
15 of their outstanding contributions to the preservation of his-  
16 toric resources. Such program may include the issuance of  
17 annual awards by the President of the United States to any  
18 citizen of the United States recommended for such award by  
19 the Secretary.

20       “(i) Nothing in this Act shall be construed to require the  
21 preparation of an environmental impact statement where  
22 such a statement would not otherwise be required under the  
23 National Environmental Policy Act of 1969, and nothing in  
24 this Act shall be construed to provide any exemption from

1 any requirement respecting the preparation of such a state-  
2 ment under such Act.

3 “(j) The Secretary shall promulgate regulations under  
4 which the requirements of this section may be waived in  
5 whole or in part in the event of a major natural disaster or  
6 an imminent threat to the national security.”.

7 SEC. 207. Title I of the National Historic Preservation  
8 Act is amended by adding the following at the end thereof:

9 “SEC. 111. (a) Notwithstanding any other provision of  
10 law, any Federal agency may, after consultation with the  
11 Advisory Council on Historic Preservation, lease an historic  
12 property owned by the agency to any person or organization,  
13 or exchange any property owned by the agency with compa-  
14 rable historic property, if the agency head determines that the  
15 lease or exchange will adequately insure the preservation of  
16 the historic property.

17 “(b) The proceeds of any lease under subsection (a)  
18 may, notwithstanding any other provision of law, be retained  
19 by the agency entering into such lease and used to defray the  
20 costs of administration, maintenance, repair, and related ex-  
21 penses incurred by the agency with respect to such property  
22 or other properties which are on the National Register which  
23 are owned by, or are under the jurisdiction or control of, such  
24 agency. Any surplus proceeds from such leases shall be de-  
25 posited into the Treasury of the United States at the end of

1 *the second fiscal year following the fiscal year in which such*  
2 *proceeds were received.*

3       “(c) *The head of any Federal agency having responsi-*  
4 *bility for the management of any historic property may, after*  
5 *consultation with the Advisory Council on Historic Preserva-*  
6 *tion, enter into contracts for the management of such*  
7 *property. Any such contract shall contain such terms and*  
8 *conditions as the head of such agency deems necessary or*  
9 *appropriate to protect the interests of the United States and*  
10 *insure adequate preservation of the historic property.”.*

11       *SEC. 208. Notwithstanding section 7(a) of the Act of*  
12 *June 27, 1960 (16 U.S.C. 469c), or any other provision of*  
13 *law to the contrary—*

14               *(1) identification, surveys, and evaluation carried*  
15 *out with respect to historic properties within project*  
16 *areas may be treated for purposes of any law or rule of*  
17 *law as planning costs of the project and not as costs of*  
18 *mitigation;*

19               *(2) reasonable costs for identification, surveys,*  
20 *evaluation, and data recovery carried out with respect*  
21 *to historic properties within project areas may be*  
22 *charged to Federal licensees and permittees as a condi-*  
23 *tion to the issuance of such license or permit; and*

24               *(3) Federal agencies, with the concurrence of the*  
25 *Secretary and after notification of the Committee on*

1     *Interior and Insular Affairs of the United States*  
2     *House of Representatives and the Committee on*  
3     *Energy and Natural Resources of the United States*  
4     *Senate, are authorized to waive, in appropriate cases,*  
5     *the 1 per centum limitation contained in section 7(a)*  
6     *of such Act.*

7     *TITLE III—AMENDMENTS TO TITLE II OF*  
8     *NATIONAL HISTORIC PRESERVATION ACT*

9     *SEC. 301. (a) Section 201(a) of the National Historic*  
10    *Preservation Act is amended by striking out “twenty-nine”*  
11    *and all that follows and substituting: “the following*  
12    *members:*

13            *“(1) a Chairman appointed by the President se-*  
14            *lected from the general public;*

15            *“(2) the Secretary of the Interior;*

16            *“(3) the Architect of the Capitol;*

17            *“(4) the Secretary of Agriculture and the heads of*  
18            *three other agencies of the United States (other than*  
19            *the Department of the Interior) the activities of which*  
20            *affect historic preservation, appointed by the President;*

21            *“(5) one Governor appointed by the President;*

22            *“(6) one mayor appointed by the President;*

23            *“(7) the President of the National Conference of*  
24            *State Historic Preservation Officers;*

1           “(8) the Chairman of the National Trust for His-  
2       toric Preservation;

3           “(9) four experts in the field of historic preserva-  
4       tion appointed by the President from the disciplines of  
5       architecture, history, archeology, and other appropriate  
6       disciplines; and

7           “(10) three at-large members from the general  
8       public, appointed by the President.”.

9       (b) Section 201(b) of such Act is amended by deleting  
10   (1) through (17) and substituting (2) through (8) (other than  
11   (5) and (6))” and by inserting the following before the period  
12   “, except that, in the case of paragraphs (2) and (4), no such  
13   officer other than an Assistant Secretary or an officer having  
14   major department-wide or agency-wide responsibilities may  
15   be so designated”.

16       (c) Section 201(c) of such Act is amended to read as  
17   follows:

18       “(c) Each member of the Council appointed under para-  
19   graph (1), and under paragraphs (9) and (10) of subsection  
20   (a) shall serve for a term of four years from the expiration of  
21   his predecessor’s term; except that the members first appoint-  
22   ed under that paragraph shall serve for terms of one to four  
23   years, as designated by the President at the time of appoint-  
24   ment, in such manner as to insure that the terms of not more  
25   than two of them will expire in any one year. The members



1 *appointed under paragraphs (5) and (6) shall serve for the*  
2 *term of their elected office but not in excess of four years. An*  
3 *appointed member may not serve more than two terms. An*  
4 *appointed member whose term has expired shall serve until*  
5 *that member's successor has been appointed."*

6 *(d) Section 201(d) of such Act is amended to read as*  
7 *follows:*

8 *"(d) A vacancy in the Council shall not affect its*  
9 *powers, but shall be filled, not later than sixty days after*  
10 *such vacancy commences, in the same manner as the original*  
11 *appointment (and for the balance of any unexpired terms).*  
12 *The members of the Advisory Council on Historic Preserva-*  
13 *tion appointed by the President under this Act as in effect on*  
14 *the day before the enactment of the National Historic Preser-*  
15 *vation Act Amendments of 1980 shall remain in office until*  
16 *all members of the Council, as specified in this section, have*  
17 *been appointed. The members first appointed under this sec-*  
18 *tion shall be appointed not later than one hundred and eighty*  
19 *days after the enactment of the National Historic Preserva-*  
20 *tion Act Amendments of 1980."*

21 *(e) Section 201(e) of such Act is amended to read as*  
22 *follows:*

23 *"(e) The President shall designate a Vice Chairman,*  
24 *from the members appointed under paragraph (5), (6), (9), or*  
25 *(10). The Vice Chairman may act in place of the Chairman*

1 *during the absence or disability of the Chairman or when the*  
 2 *office is vacant.”.*

3 *(f) Section 201(f) of such Act is amended by deleting*  
 4 *the word “Fifteen” and substituting in lieu thereof the word*  
 5 *“Nine”.*

6 *(g)(1) Section 202(a) of such Act is amended by strik-*  
 7 *ing out “and” after the semicolon in paragraph (4), by strik-*  
 8 *ing out the period at the end of paragraph (5) and inserting*  
 9 *in lieu thereof a semicolon, and by adding at the end thereof*  
 10 *the following new paragraphs:*

11 *“(6) review the policies and programs of Federal*  
 12 *agencies and recommend to such agencies methods to*  
 13 *improve the effectiveness, coordination, and consistency*  
 14 *of those policies and programs with the policies and*  
 15 *programs carried out under this Act; and*

16 *“(7) inform and educate Federal agencies, State*  
 17 *and local governments, Indian tribes, other nations*  
 18 *and international organizations and private groups and*  
 19 *individuals as to the Council’s authorized activities.”.*

20 *(2) Section 202(b) of such Act is amended by inserting*  
 21 *the following before the period at the end thereof: “and shall*  
 22 *provide the Council’s assessment of current and emerging*  
 23 *problems in the field of historic preservation and an evalua-*  
 24 *tion of the effectiveness of the programs of Federal agencies,*

1 *State and local governments, and the private sector in carry-*  
2 *ing out the purposes of this Act”.*

3       *(h) Section 204 of such Act is amended by striking out*  
4 *the first sentence and so much of the second sentence as pre-*  
5 *cedes the words “shall receive” and substituting “The mem-*  
6 *bers of the Council specified in paragraphs (2), (3), and (4)*  
7 *of section 201(a) shall serve without additional compensa-*  
8 *tion. The other members of the Council”.*

9       *(i) The third sentence of section 205(b) of such Act is*  
10 *amended by inserting after the words “whenever appropri-*  
11 *ate” the phrase “, including enforcement of agreements with*  
12 *Federal agencies to which the Council is a party”.*

13       *(j) Section 205(g) of such Act is amended by (1) insert-*  
14 *ing after the word “duties” in the second sentence “and may*  
15 *also receive donations of moneys for such purpose, and the*  
16 *Executive Director is authorized, in his discretion, to accept,*  
17 *hold, use, expend, and administer the same for the purposes*  
18 *of this Act”; and (2) striking out “(1) through (16)” and*  
19 *substituting “(2) through (4)”.*

20       *(k) Section 210 of such Act is amended by striking out*  
21 *the first sentence thereof.*

22       *(l) Section 211 of such Act is amended by adding the*  
23 *following at the end thereof: “The Council shall, by regula-*  
24 *tion, establish such procedures as may be necessary to pro-*  
25 *vide for participation by local governments in proceedings*

1 *and other actions taken by the Council with respect to under-*  
2 *takings referred to in section 106 which affect such local*  
3 *governments.”.*

4       *SEC. 302. (a) Title II of the National Historic Preser-*  
5 *vation Act is amended by adding the following new sections*  
6 *at the end thereof:*

7       *“SEC. 213. To assist the Council in discharging its*  
8 *responsibilities under this Act, the Secretary at the request of*  
9 *the Chairman, shall provide a report to the Council detailing*  
10 *the significance of any historic property, describing the ef-*  
11 *fects of any proposed undertaking on the affected property,*  
12 *and recommending measures to avoid, minimize, or mitigate*  
13 *adverse effects.*

14       *“SEC. 214. The Council, with the concurrence of the*  
15 *Secretary, shall promulgate regulations or guidelines, as ap-*  
16 *propriate, under which Federal programs or undertakings*  
17 *may be exempted from any or all of the requirements of this*  
18 *Act when such exemption is determined to be consistent with*  
19 *the purposes of this Act, taking into consideration the magni-*  
20 *tude of the exempted undertaking or program and the likeli-*  
21 *hood of impairment of historic properties.”.*

22       *(b) Section 212(b) of such Act is amended by striking*  
23 *out “Senate Committee on Interior and Insular Affairs” and*  
24 *substituting “Senate Committee on Energy and Natural*  
25 *Resources”.*

1    *TITLE IV—INTERNATIONAL ACTIVITIES AND*  
2                    *WORLD HERITAGE CONVENTION*

3            *SEC. 401. (a) The Secretary of the Interior shall direct*  
4 *and coordinate United States participation in the Conven-*  
5 *tion Concerning the Protection of the World Cultural and*  
6 *Natural Heritage, approved by the Senate on October 26,*  
7 *1973, in cooperation with the Secretary of State, the Smith-*  
8 *sonian Institution, and the Advisory Council on Historic*  
9 *Preservation. Whenever possible, expenditures incurred in*  
10 *carrying out activities in cooperation with other nations and*  
11 *international organizations shall be paid for in such excess*  
12 *currency of the country or area where the expense is incurred*  
13 *as may be available to the United States.*

14           *(b) The Secretary of the Interior shall periodically*  
15 *nominate properties he determines are of international sig-*  
16 *nificance to the World Heritage Committee on behalf of the*  
17 *United States. No property may be so nominated unless it*  
18 *has previously been determined to be of national significance.*  
19 *Each such nomination shall include evidence of such legal*  
20 *protections as may be necessary to ensure preservation of the*  
21 *property and its environment (including restrictive cov-*  
22 *enants, easements, or other forms of protection). Before*  
23 *making any such nomination, the Secretary shall notify the*  
24 *Committee on Interior and Insular Affairs of the United*

1 *States House of Representatives and the Committee on*  
 2 *Energy and Natural Resources of the United States Senate.*

3       (c) *No non-Federal property may be nominated by the*  
 4 *Secretary of the Interior to the World Heritage Committee*  
 5 *for inclusion on the World Heritage List unless the owner of*  
 6 *the property concurs in writing to such nomination.*

7       SEC. 402. *Prior to the approval of any Federal under-*  
 8 *taking outside the United States which may directly and ad-*  
 9 *versely affect a property which is on the World Heritage List*  
 10 *or on the applicable country's equivalent of the National*  
 11 *Register, the head of a Federal agency having direct or indi-*  
 12 *rect jurisdiction over such undertaking shall take into ac-*  
 13 *count the effect of the undertaking on such property for pur-*  
 14 *poses of avoiding or mitigating any adverse effects.*

15       TITLE V—GENERAL, ADMINISTRATIVE, AND  
 16               MISCELLANEOUS PROVISIONS

17       SEC. 501. *The National Historic Preservation Act is*  
 18 *amended by adding the following new title at the end thereof:*

19                               “TITLE III

20       “SEC. 301. *As used in this Act, the term—*

21               “(1) ‘Agency’ means agency as such term is de-  
 22       fined in section 551 of title 5, United States Code.

23               “(2) ‘State’ means any State of the United  
 24       States, the District of Columbia, the Commonwealth of  
 25       Puerto Rico, Guam, the Virgin Islands, American

1     *Samoa, the Commonwealth of the Northern Mariana*  
2     *Islands, and the Trust Territories of the Pacific Is-*  
3     *lands.*

4             “(3) ‘Local government’ means a city, county,  
5     *parish, township, municipality, or borough, or any*  
6     *other general purpose political subdivision of any*  
7     *State.*

8             “(4) ‘Indian tribe’ means the governing body of  
9     *any Indian tribe, band, nation, or other group which is*  
10    *recognized as an Indian tribe by the Secretary of the*  
11    *Interior and for which the United States holds land in*  
12    *trust or restricted status for that entity or its members.*  
13    *Such term also includes any Native village corpora-*  
14    *tion, regional corporation, and Native Group estab-*  
15    *lished pursuant to the Alaska Native Claims Settle-*  
16    *ment Act (43 U.S.C. 1701 et seq.).*

17            “(5) ‘Historic property’ or ‘historic resource’  
18    *means any prehistoric or historic district, site, build-*  
19    *ing, structure, or object included in, or eligible for in-*  
20    *clusion on the National Register; such term includes*  
21    *artifacts, records, and remains which are related to*  
22    *such a district, site, building, structure, or object.*

23            “(6) ‘National Register’ or ‘Register’ means the  
24    *National Register of Historic Places established under*  
25    *section 101.*

1           “(7) ‘Undertaking’ means any action as described  
2           in section 106.

3           “(8) ‘Preservation’ or ‘historic preservation’ in-  
4           cludes identification, evaluation, recordation, documen-  
5           tation, curation, acquisition, protection, management,  
6           rehabilitation, restoration, stabilization, maintenance  
7           and reconstruction, or any combination of the foregoing  
8           activities.

9           “(9) ‘Cultural park’ means a definable urban  
10          area which is distinguished by historic resources and  
11          land related to such resources and which constitutes an  
12          interpretive, educational, and recreational resource for  
13          the public at large.

14          “(10) ‘Historic conservation district’ means an  
15          urban area of one or more neighborhoods and which  
16          contains (A) historic properties, (B) buildings having  
17          similar or related architectural characteristics, (C) cul-  
18          tural cohesiveness, or (D) any combination of the fore-  
19          going.

20          “(11) ‘Secretary’ means the Secretary of the Inte-  
21          rior except where otherwise specified.”.

22          “(12) ‘State historic preservation review board’ means a  
23          board, council, commission, or other similar collegial body  
24          established as provided in section 101(b)(1)(B)—



1           (A) the members of which are appointed by the  
2       State Historic Preservation Officer (unless otherwise  
3       provided for by State law),

4           (B) a majority of the members of which are pro-  
5       fessionals qualified in the following and related disci-  
6       plines: history, prehistoric and historic archaeology, ar-  
7       chitectural history, and architecture, and

8           (C) which has the authority to—

9               (i) review National Register nominations  
10          and appeals from nominations;

11              (ii) review appropriate documentation sub-  
12          mitted in conjunction with the Historic Preserva-  
13          tion Fund;

14              (iii) provide general advice and guidance to  
15          the State Historic Preservation Officer, and

16              (iv) perform such other duties as may be  
17          appropriate.

18       (13) “Historic preservation review commission” means  
19   a board, council, commission, or other similar collegial body  
20   which is established by State or local legislation as provided  
21   in section 101(c)(1)(B), and the members of which are ap-  
22   pointed, unless otherwise provided by State or local legisla-  
23   tion, by the chief elected official of the jurisdiction concerned  
24   from among—

1           (A) professionals in the disciplines of architecture,  
 2           history, architectural history, planning, archaeology, or  
 3           related disciplines, to the extent such professionals are  
 4           available in the community concerned, and

5           (B) such other persons as have demonstrated spe-  
 6           cial interest, experience, or knowledge in history, ar-  
 7           chitecture, or related disciplines and as will provide for  
 8           an adequate and qualified commission.

9           “SEC. 302. Each Federal agency is authorized to  
 10          expend funds appropriated for its authorized programs for the  
 11          purposes of this Act.

12          “SEC. 303. (a) The Secretary is authorized to accept  
 13          donations and bequests of money and personal property for  
 14          the purposes of this Act and shall hold, use, expend, and  
 15          administer the same for such purposes.

16          “(b) The Secretary is authorized to accept gifts or dona-  
 17          tions of less than fee interests in any historic property where  
 18          the acceptance of such interests will facilitate the conserva-  
 19          tion or preservation of such properties. Nothing in this sec-  
 20          tion or in any provision of this Act shall be construed to  
 21          affect or impair any other authority of the Secretary under  
 22          other provision of law to accept or acquire any property for  
 23          conservation or preservation or for any other purpose.

24          “SEC. 304. The head of any Federal agency, after con-  
 25          sultation with the Secretary, shall withhold from disclosure

1 *to the public, information relating to the location or character*  
2 *of historic resources whenever the head of the agency or the*  
3 *Secretary determines that the disclosure of such information*  
4 *may create a substantial risk of harm, theft, or destruction to*  
5 *such resources or to the area or place where such resources*  
6 *are located.*

7       *“SEC. 305. In any civil action brought in any United*  
8 *States district court by any interested person to enforce the*  
9 *provisions of this Act, if such person substantially prevails in*  
10 *such action, the court may award attorneys’ fees, expert wit-*  
11 *ness fees, and other costs of participating in such action, as*  
12 *the court deems reasonable.*

13       *“SEC. 306. (a) In order to provide a national center to*  
14 *commemorate and encourage the building arts and to preserve*  
15 *and maintain a nationally significant building which exem-*  
16 *plifies the great achievements of the building arts in the*  
17 *United States, the Secretary and the Administrator of the*  
18 *General Services Administration are authorized and directed*  
19 *to enter into a cooperative agreement with the Committee for*  
20 *a National Museum of the Building Arts, Incorporated, a*  
21 *nonprofit corporation organized and existing under the laws*  
22 *of the District of Columbia, or its successor, for the operation*  
23 *of a National Museum for the Building Arts in the Federal*  
24 *Building located in the block bounded by Fourth Street,*

1 *Fifth Street, F Street, and G Street, Northwest in Washing-*  
 2 *ton, District of Columbia. Such museum shall—*

3           “(1) collect and disseminate information concern-  
 4       *ing the building arts, including the establishment of a*  
 5       *national reference center for current and historic docu-*  
 6       *ments, publications, and research relating to the build-*  
 7       *ing arts;*

8           “(2) foster educational programs relating to the  
 9       *history, practice and contribution to society of the*  
 10       *building arts, including promotion of imaginative edu-*  
 11       *cational approaches to enhance understanding and ap-*  
 12       *preciation of all facets of the building arts;*

13           “(3) publicly display temporary and permanent  
 14       *exhibits illustrating, interpreting and demonstrating*  
 15       *the building arts;*

16           “(4) sponsor or conduct research and study into  
 17       *the history of the building arts and their role in shap-*  
 18       *ing our civilization; and*

19           “(5) encourage contributions to the building arts.

20           “(b) The cooperative agreement referred to in subsection  
 21 *(a) shall include provisions which—*

22           “(1) make the site available to the Committee re-  
 23       *ferred to in subsection (a) without charge;*

24           “(2) provide, subject to available appropriations,  
 25       *such maintenance, security, information, janitorial and*

1        *other services as may be necessary to assure the preser-*  
2        *vation and operation of the site; and*

3                *“(3) prescribe reasonable terms and conditions by*  
4        *which the Committee can fulfill its responsibilities*  
5        *under this Act.*

6                *“(c) The Secretary is authorized and directed to provide*  
7        *matching grants-in-aid to the Committee referred to in sub-*  
8        *section (a) for its programs related to historic preservation.*  
9        *The Committee shall match such grants-in-aid in a manner*  
10       *and with such funds and services as shall be satisfactory to*  
11       *the Secretary, except that no more than \$500,000 may be*  
12       *provided to the Committee in any one fiscal year.*

13               *“(d) The renovation of the site shall be carried out by*  
14       *the Administrator with the advice of the Secretary. Such ren-*  
15       *ovation shall, as far as practicable—*

16               *“(1) be commenced immediately,*

17               *“(2) preserve, enhance, and restore the distinctive*  
18       *and historically authentic architectural character of the*  
19       *site consistent with the needs of a national museum of*  
20       *the building arts and other compatible use, and*

21               *“(3) retain the availability of the central court of*  
22       *the building, or portions thereof, for appropriate public*  
23       *activities.*

24               *“(e) The Committee shall submit an annual report to*  
25       *the Secretary and the Administrator concerning its activities*

1 under this section and shall provide the Secretary and the  
2 Administrator with such other information as the Secretary  
3 may, from time to time, deem necessary or advisable.

4 “(f) For purposes of this section, the term ‘building arts’  
5 includes, but shall not be limited to, all practical and schol-  
6 arly aspects of prehistoric, historic, and contemporary archi-  
7 tecture, archaeology, construction, building technology and  
8 skills, landscape architecture, preservation and conservation,  
9 building and construction, engineering, urban and commu-  
10 nity design and renewal, city and regional planning, and  
11 related professions, skills, trades, and crafts.

12 “SEC. 307. (a) At least thirty days prior to publishing  
13 in the Federal Register any proposed regulation required by  
14 this Act, the Secretary shall transmit a copy of the regulation  
15 to the Committee on Interior and Insular Affairs of the  
16 House of Representatives and the Committee on Energy and  
17 Natural Resources of the Senate. The Secretary also shall  
18 transmit to such committees a copy of any final regulation  
19 prior to its publication in the Federal Register. Except as  
20 provided in subsection (b) of this section, no final regulation  
21 of the Secretary shall become effective prior to the expiration  
22 of thirty calendar days after it is published in the Federal  
23 Register during which either or both Houses of Congress are  
24 in session.

1       “(b) In the case of an emergency, a final regulation of  
2   the Secretary may become effective without regard to the last  
3   sentence of subsection (a) if the Secretary notified in writing  
4   the Committee on Interior and Insular Affairs of the United  
5   States House of Representatives and the Committee on  
6   Energy and Natural Resources of the United States Senate  
7   setting forth the reasons why it is necessary to make the regu-  
8   lation effective prior to the expiration of the thirty-day  
9   period.

10           “(c) Except as provided in subsection (b), the regulation  
11 shall not become effective if, within ninety calendar days of  
12 continuous session of Congress after the date of promulga-  
13 tion, both Houses of Congress adopt a concurrent resolution,  
14 the matter after the resolving clause of which is as follows:  
15 ‘That Congress disapproves the regulation promulgated by  
16 the Secretary dealing with the matter of \_\_\_\_\_,  
17 which regulation was transmitted to Congress on \_\_\_\_\_,’  
18 the blank spaces therein being appropriately filled.

19           “(d) If at the end of sixty calendar days of continuous  
20 session of Congress after the date of promulgation of a regu-  
21 lation, no committee of either House of Congress has reported  
22 or been discharged from further consideration of a concurrent  
23 resolution disapproving the regulation, and neither House  
24 has adopted such a resolution, the regulation may go into  
25 effect immediately. If, within such sixty calendar days, such

1 a committee has reported or been discharged from further  
 2 consideration of such a resolution, the regulation may go into  
 3 effect not sooner than ninety calendar days of continuous ses-  
 4 sion of Congress after its promulgation unless disapproved as  
 5 provided for.

6 “(e) For the purposes of this section—

7 “(1) continuity of session is broken only by an  
 8 adjournment sine die; and

9 “(2) the days on which either House is not in ses-  
 10 sion because of an adjournment of more than three  
 11 days to a day certain are excluded in the computation  
 12 of sixty and ninety calendar days of continuous ses-  
 13 sion of Congress.

14 “(f) Congressional inaction on or rejection of a resolu-  
 15 tion of disapproval shall not be deemed an expression of ap-  
 16 proval of such regulation.”.

17 SEC. 502. The Secretary, in cooperation with the  
 18 American Folklife Center of the Library of Congress shall,  
 19 within two years after the date of the enactment of this Act,  
 20 submit a report to the President and the Congress on preserv-  
 21 ing and conserving the intangible elements of our cultural  
 22 heritage such as arts, skills, folklife, and folkways. The  
 23 report shall take into account the view of other public and  
 24 private organizations, as appropriate. This report shall in-  
 25 clude recommendations for legislative and administrative



1 actions by the Federal Government in order to preserve,  
2 conserve, and encourage the continuation of the diverse  
3 traditional prehistoric, historic, ethnic, and folk cultural  
4 traditions that underlie and are a living expression of our  
5 American heritage.

6       *SEC. 503. The Advisory Council on Historic Preserva-*  
7 *tion, in cooperation with the Secretary and the Secretary of*  
8 *the Treasury, shall submit a report to the President and the*  
9 *Congress on Federal tax laws relating to historic preserva-*  
10 *tion or affecting in any manner historic preservation. Such*  
11 *report shall include recommendations respecting amendments*  
12 *to such laws which would further the purposes of this Act.*  
13 *Such report shall be submitted within one year after the date*  
14 *of enactment of this Act.*

15       *SEC. 504. The Secretary shall submit a report directly*  
16 *to the President and the Congress on or before June 1, 1986,*  
17 *reviewing the operation of the Historic Preservation Fund*  
18 *and the national historic preservation program since the en-*  
19 *actment of this Act and recommending appropriate funding*  
20 *levels, the time period for the reauthorization for appropri-*  
21 *ations from the fund, and other appropriate legislative action*  
22 *to be undertaken upon the expiration of the current fund*  
23 *authorization.*

24       *SEC. 505. The Pennsylvania Avenue Development*  
25 *Corporation shall review the development plan for those parts*

1 of the development area which are not under development or  
2 committed for development as of the date of the enactment of  
3 this Act, to identify means by which the historic values of  
4 such parts of the development area may be preserved and  
5 enhanced to the maximum extent feasible. The foregoing  
6 review shall not be limited by the applicable provisions of the  
7 development plan in effect at the time of the review; nor shall  
8 the review require any actions by the Corporation during the  
9 course of the review or during its consideration by the Con-  
10 gress. Within one year of the date of this Act the Corporation  
11 shall submit to the appropriate committees of Congress a  
12 report containing the findings of the review required under  
13 this section, together with the Corporation's recommendations  
14 for any legislative measures or funding necessary to carry  
15 out the purposes of this section. The report shall also include  
16 a description of those activities which the Corporation pro-  
17 poses to undertake to carry out the purposes of this section  
18 and the financial implications of carrying out those  
19 activities.

20       *SEC. 506. The Secretary shall undertake a comprehen-*  
21 *sive study and formulate recommendations for a coordinated*  
22 *system of cultural parks and historic conservation districts*  
23 *that provide for the preservation, interpretation, development,*  
24 *and use by public and private entities of the prehistoric, his-*  
25 *toric, architectural, cultural, and recreational resources*

1 found in definable urban areas throughout the Nation. The  
2 study shall propose alternatives concerning the management  
3 and funding of such system by public and private entities  
4 and by various levels of government. The Secretary shall  
5 submit a report of his study and recommendations to the  
6 President and the Congress within two years after the enact-  
7 ment of this Act.

8       *SEC. 507. The Secretary, in cooperation with the Sec-*  
9 *retary of the Treasury, the Administrator of the United*  
10 *States Fire Administration, and the Administrator of the*  
11 *Federal Insurance Administration, shall submit a report to*  
12 *the President and the Congress on fire in historic properties.*  
13 *Such report shall include a review of Federal laws to deter-*  
14 *mine any relationship between these laws and arson or fire*  
15 *by "suspicious origin", and to make recommendations re-*  
16 *specting amendments to such laws should a correlation be*  
17 *found to exist. Such report shall include the feasibility and*  
18 *necessity of establishing or developing protective measures at*  
19 *the Federal, State, or local level for the prevention, detection,*  
20 *and control of arson or fire by "suspicious origin" in historic*  
21 *properties. Such report shall also include recommendations*  
22 *regarding the Federal role in assisting the States and local*  
23 *governments with protecting historic properties from damage*  
24 *by fire. Such report shall be submitted within eighteen*  
25 *months after the date of enactment of this Act.*

96TH CONGRESS  
2D SESSION

# H. R. 5496

[Report No. 96-1457]

---

---

## A BILL

To amend the National Historic Preservation Act of  
1966, and for other purposes.

---

---

SEPTEMBER 28, 1979

Referred to the Committee on Interior and Insular Affairs

OCTOBER 10, 1980

Reported with an amendment, committed to the Committee  
of the Whole House on the State of the Union, and or-  
dered to be printed